

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHANNON MAYO,
Plaintiff,

v.

KENNETH CAMERON, et al.,
Defendants.

)
)
)
)
)
)
)

Civil Action No. 3:15-cv-270

Judge Susan Paradise Baxter

ORDER OF COURT

Susan Paradise Baxter, District Judge

Plaintiff initiated the instant action on October 13, 2015. ECF No. 1. On November 27, 2017, Defendants filed Motions to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. ECF Nos. 92, 94. On May 2, 2018, the undersigned, then a United States Magistrate Judge, issued a Report and Recommendation that the Motion to Dismiss filed by Defendants John Sawtelle and Mobolaji Wajuola (ECF No. 92) be granted and that the Motion to Dismiss filed by the remaining Defendants (ECF No. 94) be granted in part and denied in part. ECF No. 128. In response, Plaintiff filed a Motion to Stay Proceedings (ECF No. 133), a Motion for Leave to Appeal (ECF No. 134), and objections to the Report and Recommendation (ECF No. 135).

On September 14, 2018, the undersigned was sworn in as a United States District Judge. This action was reassigned to this Court's docket on September 17, 2018. ECF No. 136.

Despite conducting a thorough *de novo* review of Plaintiff's objections, the Court stands by the conclusions set forth in the Report and Recommendation. Accordingly, it is HEREBY ORDERED that the Report and Recommendation issued on May 2, 2018, is converted into a final Memorandum Opinion. Consistent with the recommendation therein, the Motion to

Dismiss filed by Defendants Sawtelle and Wajuola (ECF No. 92) is GRANTED. Defendants Sawtelle and Wajuola are terminated from this action, with prejudice. The Motion to Dismiss filed by the remaining Defendants (ECF No. 94) is GRANTED in part and DENIED in part, as set forth in the Report and Recommendation.

In his Motion to Stay Proceedings, Plaintiff averred that he sustained injuries on June 22, 2018 as the result of an attack from a fellow inmate. Plaintiff sought a stay of the proceedings, seemingly to allow him additional time to file objections to the Report and Recommendation. Plaintiff subsequently filed a Motion for Leave to Appeal in which he again requested additional time to challenge the Report and Recommendation. In light of the fact that Plaintiff's objections, ultimately filed on September 14, 2018, have received a full *de novo* review by this Court, Plaintiff has received the remedy that he sought in each motion. Consequently, Plaintiff's Motion to Stay and Motion for Leave to Appeal are each DENIED as moot.

Finally, Plaintiff has filed a motion (ECF No. 138) requesting a copy of the docket sheet and of his Objections (ECF No. 135) to the Report and Recommendation. In order to avoid any confusion stemming from the reassignment of this case, Plaintiff's motion is GRANTED as to this particular request. The Clerk is directed to provide Plaintiff with a copy of the docket and the Objections filed at ECF No. 135, free of charge, on a one-time basis. Plaintiff is advised, however, that any future requests for copies of electronically filed documents must be directed to the Clerk of Courts.

IT IS SO ORDERED.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge

Dated: October 11, 2018